

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**HEALTH CARE SERVICE
CORPORATION,**

Plaintiffs,

v.

PFIZER, INC., et al.,

Defendants.

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Civ. Act. No. 2:10-cv-221

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-titled and numbered civil action was referred to United States Magistrate Judge Caroline Craven pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 42) has been presented for consideration. The report recommends that the court grant Defendant's motion to dismiss Plaintiff's Amended Complaint.

Plaintiff filed objections to the Magistrate Judge's report (Dkt. No. 44). Plaintiff objects to the Magistrate Judge's conclusion that Plaintiff has failed to sufficiently allege economic injury and causation. However, having carefully reviewed the Magistrate Judge's report and the authorities relied upon therein, the Court concludes that, pursuant to the pleading standards set forth in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), Plaintiff's objections are without merit. As such, the court OVERRULES Plaintiff's argument that it has sufficiently alleged an economic injury and sufficiently pled causation in this case.

In conclusion, the Court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the Court OVERRULES Plaintiff's objections and adopts the report of the United States Magistrate Judge, in its entirety, as the conclusions of this Court. Accordingly, it

is ORDERED that Defendant's motion to dismiss is GRANTED.

IT IS SO ORDERED.

SIGNED this 28th day of June, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE